



CITY OF DURHAM | DURHAM COUNTY
NORTH CAROLINA



ZONING MAP CHANGE REPORT

Meeting Date: January 3, 2012

Table A. Summary			
Application Summary			
Case Number	Z1100023	Jurisdiction	City
Applicant	Nickolaos Bourbous	Submittal Date	September 12, 2011
Reference Name	2125 Guess Road	Site Acreage	0.178
Location	2125 Guess Road, north and west of Broad Street		
PIN(s)	0822-06-37-6672		
Request			
Proposed Zoning	Commercial Neighborhood (CN)	Proposal	Unspecified commercial
Site Characteristics			
Development Tier	Urban		
Land Use Designation	Commercial		
Existing Zoning	Office/Institutional (OI)		
Existing Use	Office		
Overlay	N/A	Drainage Basin	Falls Lake
River Basin	Neuse	Stream Basin	Ellerbe Creek
Determination/Recommendation/Comments			
Staff	Staff determines that this request is consistent with the <i>Comprehensive Plan</i> and other adopted policies and ordinances.		
Planning Commission	Denial, 9-0, on November 15, 2011. The Planning Commission finds that the ordinance request is consistent with the adopted <i>Comprehensive Plan</i> . However, the Commission believes the request is not reasonable nor in the public interest and recommends denial based on inconsistency with neighboring land uses and opposition from the community.		
DOST	None provided		
BPAC	None provided		

A. Summary

This is a request to change the zoning designation of 0.178 acres from OI to CN. The subject property is located at 2125 Guess Road, north and west of Broad Street (see Attachment 1, Context Map). This request is consistent with the future land use designation of the *Comprehensive Plan* which designates this parcel as Commercial. Appendix A provides supporting information.

B. Site History

There have been no recent development requests for this site.

C. Review Requirements

Planning staff has performed a sufficiency review for this Zoning Map Change request (reference UDO Sec. 3.2.4, Application Requirements [general] and 3.5.5, Application Requirements [for a Zoning Map Change]). This staff report presents the staff findings per Sec. 3.5.8, Action by the Planning Director, on the request's consistency with the Unified Development Ordinance and applicable adopted plans.

This review is based primarily on compliance with any applicable laws, plans, or adopted policies of City Council. Any issues or concerns raised in this report are based on best professional planning practice unless they have a basis in adopted plans, policies, and/or laws.

D. Unified Development Ordinance (UDO) Compliance

This request is consistent with the requirements of the Unified Development Ordinance. There is no development plan associated with this request. As such, there are no voluntary limitations imposed to the requested CN zoning district.

Appendix D provides supporting information.

Determination. The proposed zoning map change would bring the subject property in compliance with the Future Land Use Map of the *Comprehensive Plan*. Presently, the 7,753 square foot lot is non-conforming because it does not meet the 20,000 square foot minimum lot size required in the OI district. The minimum lot size in the CN zoning district is 5,000 square feet.

If approved, any use in the CN district would be permitted on the site.

E. Adopted Plans

A zoning map change request shall be consistent with the *Comprehensive Plan*. As such, other adopted plans have been included by reference in this document. Table E, Adopted Plans, in Appendix E identifies the applicable policies of the *Comprehensive Plan* and other adopted plans included by reference.

Determination. The requested zoning district is consistent with Future Land Use Map as well as other applicable policies of the *Durham Comprehensive Plan*.

F. Site Conditions and Context

Site Conditions. The site currently contains a converted residential structure which is presently vacant. The last legal use on the site was an office use. There is an existing gravel parking area in the rear of the structure, with driveway access to Guess Road.

Area Characteristics. This site is in the Urban Tier and is located at the edge of a commercial and office node centered on the intersection of Guess Road and Broad Street. An existing single family residence, which is owned by the applicant, is located immediately to the north and west of the subject property.

Appendix F provides a summary of the uses and zoning in the more immediate vicinity of the subject site.

Determination. The proposed CN district meets the ordinance and policy requirements in relation to site and context and is a reasonable request given the surrounding uses.

G. Infrastructure

The impact of the requested change has been evaluated to suggest its potential impact on the transportation system, water and sewer systems, and schools. In each case, the impact of the change is evaluated based upon a change from the most intense development using the existing land use and zoning to the most intense use allowed under the request.

See Appendix G for additional information.

Determination. The proposed CN district is consistent with *Comprehensive Plan* policies regarding infrastructure impacts.

H. Staff Analysis

Staff has determined that this request is consistent with the *Comprehensive Plan* and other adopted policies and ordinances.

I. Contacts

Table I. Contacts		
Staff Contact		
Scott Whiteman, AICP, Planning Supervisor	Ph: 919-560-4137, ext. 28253	Scott.Whiteman@DurhamNC.gov
Applicant Contact		
Nickolous Bourbous	Ph: 919-682-1580	n/a

J. Notification

Staff certifies that newspaper advertisements, letters to property owners within 600 feet of the site and the posting of a zoning sign on the property has been carried out in accordance with Section 3.2.5 of the UDO. In addition, the following neighborhood organizations were mailed notices:

- Inter-Neighborhood Council
- Partners Against Crime – District 2
- Ellerbee Creek Watershed Association
- Friends of Durham
- Unity in the Community for Progress
- Watts Hospital-Hillandale Neighborhood Association
- Peoples Alliance
- Pennsylvania Avenue Neighborhood Group
- Fayetteville Street Planning Group
- Walltown Community Association

K. Summary of Planning Commission Meeting November 15, 2011 (Case Z1100023)

Request: OI to CN

Staff Report: Mr. Whiteman presented the staff report.

Public Hearing: Chair Brown opened the public hearing. One person spoke in favor and three spoke against. Chair Brown closed the public hearing.

Commission Discussion: Commission discussion centered around permitted uses, community opposition, and the need for a development plan.

Motion: Approval. (Mr. Davis, Ms. Mitchell-Allen 2nd)

Action: Motion failed, 0-9.

Findings: The Planning Commission finds that the ordinance request is consistent with the adopted *Comprehensive Plan*. However, the Commission believes the request is

not reasonable nor in the public interest and recommends denial based on inconsistency with neighboring land uses and opposition from the community. (See attachment 7)

L. Supporting Information

Table K. Supporting Information		
Applicability of Supporting Information		
Appendix A	Application	Attachments: <ol style="list-style-type: none"> 1. Context Map 2. Future Land Use Map 3. Aerial Photography 4. Application 5. Owner's Acknowledgement 6. Submittal and Review History
Appendix B	Site History	n/a
Appendix C	Review Requirements	n/a
Appendix D	Unified Development Ordinance	Table D1: Designation Intent Table D2: District Requirements
Appendix E	Adopted Plans	Table E: Adopted Plans
Appendix F	Site Conditions and Context	Table F: Site Context
Appendix G	Infrastructure	Table G1: Road Impacts Table G2: Transit Impacts Table G3: Utility Impacts Table G4: Drainage/Stormwater Impacts Table G5: School Impacts Table G6: Water Impacts
Appendix H	Staff Analysis	n/a
Appendix I	Contacts	n/a
Appendix J	Notification	n/a

Appendix A: Application Supporting Information

Attachments:

1. Context Map
2. Future Land Use Map
3. Aerial Photography
4. Application
5. Owner's Acknowledgement
6. Submittal and Review History
7. Planning Commission Written Comments
8. Ordinance Form

Appendix D: Unified Development Plan Supporting Information

Table D1. UDO Designation Intent	
CN	Commercial Neighborhood: The CN District is established to provide for modest-scale commercial centers (as defined in Article 6) in close proximity to residential areas that offer limited commercial uses to satisfy the needs of the surrounding neighborhood. Compatibility is facilitated through design standards and buffering that provide for walkable, pedestrian-oriented development that complements nearby residential neighborhoods. The district is not intended for use by major or large-scale commercial sales, service or automotive-oriented activities. The CN District is only appropriate in locations that have direct access to residential neighborhoods. The CN District is used to implement the Comprehensive Plan within those areas shown as the Rural, Suburban, Urban or Compact Neighborhood Tiers.

Table D2. District Requirements - CN			
	Code Provision	Required	Proposed
Minimum Site Area (square feet)	6.10.1.C	5,000	7,753
Minimum Lot Width (feet)	6.10.1.B	60	60

Appendix E: Adopted Plans Supporting Information

Table E. Adopted Plans	
<i>Comprehensive Plan</i>	
Policy	Requirement
Future Land Use Map	Commercial
2.2.5a	Demand for Commercial Land
2.2.5b	Spacing of Commercial Development
2.2.5c	Strip Commercial Development
8.1.2m	Transportation Level of Service
9.4.1a, b	Water Quantity and Quality Level of Service
11.1.1a	School Level of Service

Appendix F: Site Conditions and Context Supporting Information

Table F. Site Context			
	Existing Uses	Zoning Districts	Overlays
North	Retail, Single-family residential	RU-5, CN(D)	n/a
East	Retail, Office, Bank	OI, CN, CN(D)	n/a
South	Office, Single-family residential	OI, RU-5, RS-8	n/a
West	Single-family residential	RU-5	n/a

Appendix G: Infrastructure Supporting Information

Table G1. Road Impacts		
Guess Road and Broad Street are the major roads impacted by the proposed zoning change. There are no scheduled City of Durham or NCDOT roadway improvement projects in the area.		
Affected Segments	Broad Street	Guess Road
Current Roadway Capacity (LOS D) (AADT)	21,600	34,900
Latest Traffic Volume (AADT)	11,000	24,000
Traffic Generated by Present Designation (average 24 hour)*	43	
Traffic Generated by Proposed Designation (average 24 hour)**	53	
Impact of Proposed Designation	+10	

Source of LOS Capacity: FDOT Generalized Level of Service Volume Table 4-1 (2009)

Guess Road: 4-lane undivided class I arterial with left-turn lanes

Broad Street: 4-lane undivided City/County Signalized Roadway

Source of Latest Traffic Volume: 2009 NCDOT Traffic Count Map

*Assumption- (Max Use of Existing Zoning) – OI: 1,200 sf medical-dental office

** Assumption- (Max Use of Proposed Zoning) – CN: 1,200 sf specialty retail.

Table G2. Transit Impacts
Transit service is currently provided adjacent to the site along Guess Road via DATA Route #1.

Table G3. Utility Impacts
This site is served by City water and sewer.

Table G4. Drainage/Stormwater Impacts
The impacts of any change will be assessed at the time of site plan review.

Table G5. School Impacts			
The proposed zoning is not estimated to generate any students. Durham Public Schools serving the site are E.K. Powe Elementary School, Brogden Middle School, and Riverside High School.			
Students	Elementary School	Middle School	High School
Current Building Capacity	15,864	8,647	9,916
Maximum Building Capacity (110% of Building Capacity)	17,450	9,512	10,908
20th Day Attendance (2011-12 School Year)	15,827	7,008	9,686
Committed to Date (October 2008 – September 2011)	433	141	91
Available Capacity	1,190	2,363	1,131
Potential Students Generated – Current Zoning*	0	0	0
Potential Students Generated – Proposed Zoning**	0	0	0
Impact of Proposed Zoning	0	0	0

***Assumption-** (Max Use of Existing Zoning) –OI: 2 multiplex units

** **Assumption-** (Max Use of Proposed Zoning) – CN: 1 single-family unit

Table G6. Water Supply Impacts	
This site is estimated to generate a total of 312 GPD if developed to its maximum potential with the proposed zoning district. This represents an increase of 157 GPD increase over the existing zoning district.	
Current Water Supply Capacity	37.00 MGD
Present Usage	30.73 MGD
Approved Zoning Map Changes (October 2008 –September 2011)	0.77 MGD
Available Capacity	5.5 MGD
Estimated Water Demand Under Present Zoning*	90 GPD
Potential Water Demand Under Proposed Zoning**	150 GPD
Potential Impact of Zoning Map Change	+60 GPD

Notes: MGD = Million gallons per day

***Assumption-** (Max Use of Existing Zoning) –OI: 1,200 square feet of office.

**** Assumption-** (Max Use of Proposed Zoning) – CN: 1,200 square feet retail